

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants:	Mark S. SECRIST et al.	§	Confirmation No.:	1596
		§		
Serial No.:	10/765,378	§	Group Art Unit:	2179
		§		
Filed:	01/27/2004	§	Examiner:	Rashedul Hassan
		§		
For:	Portal Design System	§	Docket No.:	200313705-1
	And Methodology	§		

REPLY BRIEF

Mail Stop Appeal Brief – Patents

Date: August 25, 2008

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Answer dated June 25, 2008, Appellants submit this Reply Brief for further consideration by the Board.

In the Examiner's Answer dated 06/25/08, the Examiner maintained the rejections to claims 1-25 as being anticipated by U.S. Pat. No. 6,327,628 ("*Anuff*"). Appellants respectfully disagree with the Examiner's interpretation of *Anuff*, the claimed limitations, and the anticipation requirements.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

All of the rejected independent claims (1, 6, 11, and 21) involve adapting a Web application to a portal application. As discussed in both *Anuff* and Appellants' specification and as would be understood by those of skill in the art, a portal is a website that presents information from different web pages (*e.g.*, news, stock prices, email access) at the same time (*e.g.*, see paragraphs [0003] and [0023] of Appellants' specification and col. 3, lines 25-39 of *Anuff*). As explained

in Appellants' background (see paragraph [0004]), adapting a Web application to a portal application is not trivial task. Appellants' claimed invention facilitates such adaptation.

Without regard to other issues, Appellants disagree with the Examiner's interpretation of the claim term "Web application" to include concepts rather than real code. See Examiner's Answer dated 06/25/08, page 7. It is well known that Web applications and portal applications are real (not concepts). Further, the Examiner's interpretation of "Web application" is inconsistent with Appellants' specification, which explains "developers generally re-code the entire web site from scratch into the portal paradigm. This process takes up considerable time and expense." (see paragraph [0004]). In other words, Appellants' specification is clearly directed to recycling Web application components (code) for a portal platform so as to avoid preparing a portal from scratch. If a "Web application" is simply a concept (not code) as argued by the Examiner, a developer would have to encode the concept from scratch.

In general, *Anuff* provides a default portal that can then be customized by a user and/or an administrator (see col. 4, lines 33-35 and col. 2, lines 1-20). As would be understood by one of skill in the art, *Anuff's* portal is a web page (as are all portals). However, *Anuff* does not disclose the source of the portal code and thus does not teach adapting a Web application (separate from the portal) into a portal application, platform, or framework as in the claims.

In the Examiner's Answer (pages 10-11), the Examiner argues that *Anuff* teaches actual Web applications being part of the portal at col. 3, line 61 to col. 4, line 1. However, the citation noted by the Examiner simply refers to known portal functionality (displaying information from multiple web pages) without relevance to Appellants' claimed limitations.

For the reasons stated above as well as in Appellants' principle brief, Appellants respectfully submit that the Examiner erred in rejecting all pending claims. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary

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Reply to Examiner's Answer of June 25, 2008

to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

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